



**Conservatives
for
Property Rights**



July 10, 2019

The Honorable Chris Coons
218 Russell Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Tom Cotton
326 Russell Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Steve Stivers
2234 Rayburn House Office Building
United States Congress
Washington, DC 20515

The Honorable Bill Foster
2366 Rayburn House Office Building
United States Congress
Washington, DC 20515

Dear Senators Coons and Cotton and Representatives Stivers and Foster:

Conservatives for Property Rights (CPR) fully supports the STRONGER Patents Act. Thank you for your leadership on this important property rights matter.

CPR emphasizes the central importance of private property in all its forms — physical, personal, and intellectual. The right to private property ranks among the unalienable rights the Founders referenced in the Declaration of Independence, and they put patent rights in the Constitution itself. Thus, property rights should not be construed as conservative or liberal.

The STRONGER Patents Act would strengthen private property rights. The bill would curb the worst aspects of the inter partes review proceedings, which have provided patent infringers, hedge funds, and speculators a playground to challenge patent validity repeatedly and viciously. Such abuse has deprived inventors of a property right constitutionally declared to be exclusive for a period of time. And an administrative body has arrogated judicial power from Article III courts in patent property rights matters.

Your bill imposes limits on inter partes challenges, addresses problem areas such as claim construction, burden of proof, standing, appeals rights, ascertaining challengers' real party in interest, deference to Article III judicial reviews of patent validity, and providing greater due process to patent owners as to the postgrant PTAB judges involved at different stages. These measures would help alleviate the damage inflicted on our patent system, on inventors who face the prospect of lost commercial traction during what is supposed to be their exclusive ownership and use of their invention, and on the erosion of property rights in the patent arena.

Further, CPR commends the improved prospects of obtaining injunctive relief against patent infringers, elimination of patent application fee diversion from the PTO, closure of loopholes regarding patent infringement, attention to particular needs of small businesses and universities, and an appropriately balanced approach to abusive patent-related demand letters.

"protecting the exertions of talents and industry . . . securing to them their justly acquired fruits"
— Alexander Hamilton

Conservatives for Property Rights commends the STRONGER Patents Act and looks forward to working with you to educate Members on the underlying property rights.

Sincerely,

James Edwards
Executive Director
Conservatives for Property Rights

Daniel Schneider
Executive Director
American Conservative Union

Ed Martin
President
Phyllis Schlafly Eagles

Seton Motley
President
Less Government

Paul Caprio
Director
Family PAC Federal

Jenny Beth Martin
Honorary Chairman
Tea Party Patriots Action

Martha Boneta
Vice President
Vote America First

Kevin L. Kearns
President
U.S. Business & Industry Council

James L. Martin
Founder/Chairman
60 Plus Association

Saulius "Saul" Anuzis
President
60 Plus Association

Matthew Kandrach
President
Consumer Action for a Strong Economy

Colin Hanna
President
Let Freedom Ring

C. Preston Noell III
President
Tradition, Family, Property, Inc.

Dick Patten
President
American Business Defense Council

Rick Manning
President
Americans for Limited Government